SEP 2 9 2004

# BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

TELEPHONE: (714) 557-3800

INTELLECTUAL PROPERTY LAW 12400 WILSHIRE BOULEVARD, 7TH FLOOR Los Angeles, CA 90025

FACSIMILE: (714) 557-3347

**2**001

### FACSIMILE COVER SHEET

|      | Deliver to: Mary J. Steelman, USPTO     | Art Group:2122   |  |  |  |  |  |  |  |
|------|---|--|--|--|--|--|--|--|--|
| Fac  | simile No.: 703.872.9306                | Date: Scptember 29, 2004                                   |  |  |  |  |  |  |  |
|      | From: Thinh V. Nguyen, Reg. No. 42,     | 034  |  |  |  |  |  |  |  |
| Our  | Docket No.: 42390P10798                 | Number of pages 16 including this sheet.                   |  |  |  |  |  |  |  |
| Appi | ication No.: <u>09/822,090</u>          | Filing Date: 3/30/2001                                     |  |  |  |  |  |  |  |
|      | 1                                       | Docket Due Date(s): 10/16/2004 11/16/2004                  |  |  |  |  |  |  |  |
| Enck | osed are the following documents:       |  |  |  |  |  |  |  |  |
| ×    | Amendment: Response ( 12 pgs)           | ☐ Issue Fee Transmittal                                    |  |  |  |  |  |  |  |
|      | Appeal Brief (in triplicate) (pgs)      | ☐ Notice of Appeal   |  |  |  |  |  |  |  |
|      | Application:                            | Petition for:  |  |  |  |  |  |  |  |
|      | (pgs) w/cover & abstract)               | ☐ Request for Continued Examination (RCE)                  |  |  |  |  |  |  |  |
|      | Assignment & Cover Sheet (pgs)          | Reply Brief (pgs)  |  |  |  |  |  |  |  |
| Ø    | Certificate of Facsimile                | Request & Certification Under 35 USC 122(b)(2)(B)(i)       |  |  |  |  |  |  |  |
|      | Continued Prosecution Application (CPA) | ■ Request to Rescind Previous Nonpublication Request       |  |  |  |  |  |  |  |
|      | Declaration & POA (pgs)                 | ☐ Response to Notice of Missing Parts & Formalities Letter |  |  |  |  |  |  |  |
|      | Drawings:sheets, figures                | Response to Written Opinion (pgs)                          |  |  |  |  |  |  |  |
|      | Extension of Time:                      | ☐ Terminal Disclaimer                                      |  |  |  |  |  |  |  |
| X    | Fee Transmittal (in duplicate)          | ☐ Transmittal of Publication Fee Due                       |  |  |  |  |  |  |  |
|      | IDS & PTO/SB/08 ( pgs)                  | ▼ Transmittal Letter                                       |  |  |  |  |  |  |  |
|      | Other                                   |  |  |  |  |  |  |  |  |

Patent and Trademark Office.

09/29/2004 Date

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If you do not receive all the pages, or if there is any difficulty in receiving, please call: (714) 557-3800 and ask for Tu T. Nguyen.

| TPANS  | SMITTAL F                     |  | Application No.        | 09/82  | 09/822,090  |  |  |  |  |
|--|-------------------------------|--|------------------------|--------|---|--|--|--|--|
|  |                               |  | Filing Date            | Marc   | March 30, 2001  |  |  |  |  |
| (to be used for all  | correspondence afte           | er initial tiling)   | First Named Inventor   | Guei   | Guei-Yuan Lueh  |  |  |  |  |
|  |                               |  | Art Unit               | 2122   | 2122  |  |  |  |  |
|  |                               |  | Examiner Name          | Mary   | J. Steelman   |  |  |  |  |
| Total Number of I  | ⊃ages In This Submissi        | ion 15   | Attorney Docket Number | r 4239 | 0P10798   |  |  |  |  |
|  | ENCLO                         | SURES (chec  | k all that apply)      |        |   |  |  |  |  |
| Fee Transmittal Form   |                               |  |                        |        | After Allowance Communication to Group                            |  |  |  |  |
| Fee Attac  | hed                           | Licensing-related Papers                                       |                        |        | Appeal Communication to Boar of Appeals and Interferences         |  |  |  |  |
| Amendment / Re   | esponse                       | Petition   |                        |        | Appeal Communication to Group (Appeal Notice, Brief, Repty Brief) |  |  |  |  |
| After Fina   | l<br>declaration(s)           | Petition to Convert a Provisional Application                  |                        |        | Proprietary Information   |  |  |  |  |
| Extension of Tim   | ne Request                    | Power of Attorney, Revocation Change of Correspondence Address |                        |        | Status Letter   |  |  |  |  |
| Express Abando   | nment Request                 | Terminal Disclaimer  |                        |        | Other Enclosure(s) (please identify below):                       |  |  |  |  |
| Information Disc   | losure Statement              | Request for Refund   |                        |        |   |  |  |  |  |
| PTO/SB/0   | 98                            | CD, Number of CD(s)  |                        |        | * .   |  |  |  |  |
| Certified Copy of Document(s)  | f Priority                    |  |                        | 11.    | *   |  |  |  |  |
| Response to Mis incomplete Appl  | ssing Parts/<br>lcation       | Remarks  |                        |        |   |  |  |  |  |
| Basic  | Filing Fee                    | T TO MAIN  |                        |        | \$  |  |  |  |  |
|  | ration/POA                    |  |                        |        |   |  |  |  |  |
| Response<br>Parts und<br>1.52 or 1.5   | to Missing<br>er 37 CFR<br>53 |  |                        |        | *   |  |  |  |  |
| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT   |                               |  |                        |        |   |  |  |  |  |
| Firm<br>or   | Thinh V. Nguye                | n, Reg. No. 42   | ,034                   |        |   |  |  |  |  |
| Individual name  | BLAKELY, S                    | OKOLOFF, T   | AYLOR & ZAFM           | AN LI  | _P  |  |  |  |  |
| Signature Wohyun   |                               |  |                        |        |   |  |  |  |  |
| Date   | September 29,                 | 2004   |                        |        |   |  |  |  |  |
|  | CERTIFI                       | CATE OF MAILI  | NG/TRANSMISSION        |        |   |  |  |  |  |
| I hereby certify that this correspondence is being transmitted via facsimile on the date shown below to the United States Patent and Trademark Office. |                               |  |                        |        |   |  |  |  |  |
| Typed or printed na  | me Tu T. Nguyer               | n  |                        |        |   |  |  |  |  |
| Signature  | · puem                        | ~  |                        | Date   | ate September 29, 2004  |  |  |  |  |

Seeed on PTO/SB/21 (04-04) as modified by Blekely, Solokoli, Toylor & Zafman (wir) 08/04/2004. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

| FEETRANSMITTAL   |           | Application Number 00/922 000      |       |            |   |                     |                   | <del></del> |
|--|-----------|------------------------------------|-------|------------|---|---------------------|-------------------|-------------|
| for FY 2004  |           |                                    |       |            |   | /822,090            |                   |             |
| Effective 01/01/2004. Patent fees are subject to annual revision.  |           |                                    |       |            | rch 30, 200   |                     |                   |             |
|  |           |                                    |       |            | ei-Yuan Lu  |                     |                   |             |
| Applicant claims small entity status. See 37 CFR 1.27.   |           |                                    |       |            |   | ry J. Steelm        | ian               |             |
| TOTAL AMOUNT OF PAYMENT (\$)   |           | Art Unit<br>Attorney               | Daak  | K K 1-     | 212   |                     |                   |             |
|  |           | Attorney                           | DOCKE | I IVD.     | 423   | 90P10798            |                   | <del></del> |
| METHOD OF PAYMENT (check all that apply)   | <u> </u>  | FEE CALCULATION (continued)        |       |            |   |                     |                   |             |
| ☐ Check ☐ Credit card ☐ Money ☐ Other ☐ None   | 3.        | 3. ADDITIONAL FEES                 |       |            |   |                     |                   |             |
| Deposit Account  |           | rge Entity                         | Sma   | II Entit   | <u>y</u>  |                     |                   |             |
| Deposit  | Fe<br>Cox |                                    | Code  | Fee<br>(S) | E-  | e Description       |                   | Face Dated  |
| Account<br>Number 02-2666  | 1         |                                    |       |            |   | •                   |                   | Fee Paid    |
| Daposit  | 105       |                                    | 1     | 65<br>25   |   |                     |                   | -10-        |
| Account Blakely Sokoloff Taylor & Zafman LLP   | l         | *                                  |       |            | cover sheet.  |                     | 1                 | .[          |
| 1 states   | 205       |                                    | 2053  | 130        | Non-English specific  |                     |                   |             |
| The Commissioner is authorized to: ( check all that apply)   | 181       |                                    | 1812  | 2,520      | For filing a request for ex parte reexamination  Requesting publication of SIR prior to |                     |                   | <u> </u>    |
| Charge fee(s) indicated below Credit any overpayments  | 180       | д <del>8</del> 20-                 | 1804  | 920        | Examiner ection   | ar or sire price to |                   |             |
| Charge any additional fee(s) or underpayment of fees as required under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.  | 180       | 5 1,840*                           | 1805  | 1.840      | * Requesting publicati  | on of SIR after     | •                 |             |
| Charge fee(s) indicated below, except for the filing fee   |           | i                                  |       |            | Examiner action   |                     | a, in a product   | 1 1         |
| to the above-identified deposit account  | 128       | 110                                | 2251  | 55         | Extension for reply w   |                     |                   |             |
| FEE CALCULATION  | 125       | 2 420                              | 2252  | 210        | Extension for reply w   |                     |                   |             |
| 1. BASIC FILING FEE  | 125       | 3 950                              | 2253  | 475        | Extension for reply w   |                     |                   |             |
| Large Entity Small Britly  | 125       | 4 1,480                            | 2254  | 740        | Extension for reply w   |                     | ,                 |             |
| Fee Fee Fee Fee Peectation Fee Paid Code (5) Code (5)  | 125       | 5 2,010                            | 2255  | 1,005      | Extension for reply w   | thin fifth month    |                   | ,           |
| 1001 770 2001 385 Utility filing fee   | 140       | 4 330                              | 2401  | 165        | Notice of Appeal  |                     |                   |             |
| 1002 340 2002 170 Design filing fea  | 140       | 2 330                              | 2402  | 165        | Filing a brief in suppo   | ort of an appeal    |                   |             |
| 1003 530 2003 266 Plant filing fee   | 140       | ß 290                              | 2403  | 145        | Request for oral hea  | ring                |                   | 7           |
| 1004 770 2004 365 Reissue filing fee   | 145       | 1.510                              | 2451  | 1,610      | Petition to institute a   | public use proceed  | ling              |             |
| 1005 160 2006 80 Provisional filing fee  | 145       | 2 110                              | 2482  | 56         | Petition to revive - ur   | navoidable          |                   |             |
| SUBTOTAL (1) (3)   | 145       | 3 1,330                            | 2453  | 665        | Petition to revive - ur   |                     |                   |             |
|  | 150       |                                    | 2501  | 666        | Utility Issue fee (or re  | issue)              |                   |             |
| 2. EXTRA CLAIM FEES Edua Fee From Claims below Fee Paid  | 1500      |                                    | 2502  | 240        | Design issue fee  |                     |                   | 18          |
| Total Claims   | 1500      |                                    | 2503  | 320        | Plant issue fee   | -1-1                |                   | I           |
| Independent X  | 148       | - 1                                | 2460  | 130        | Petitions to the Com-<br>Processing fee under   |                     |                   |             |
| Claims 3 X Z   | 180       |                                    | 1807  | 60         | _   |                     |                   | ļl          |
|  | 1800      | i                                  | 1808  | 180        | Submission of Inform  |                     | onu               |             |
| Large Entity Small Entity  Fee Fee Fee Fee Fee Fee Description   | 802       | 1 40                               | 8021  | 40         | Recording each pate<br>property (times numb   | er of properties)   |                   |             |
| Code (5) Code (5)  | 1809      | 9 770                              | 1809  | 385        | Filing a submission of<br>(37 CFR § 1.129(a))   | ter linal rejection |                   |             |
| 1202 18 2202 9 Claims in excess of 20  | 1810      | 0 770                              | 2810  | 385        | For each additional in  | vention to be       |                   |             |
| 1201 66 2201 43 Independent claims in excess of 3 1203 290 2203 145 Multiple Dependent claim, if not paid  | ""        | · //•                              |       |            | examined (37 CFR §  |                     |                   |             |
| 1203 290 2203 145 Multiple Dependent claim, if not paid 1204 88 2204 43 **Relissue independent claims over original  | 180       | 1 770                              | 2801  | 385        | Request for Continue  | d Examination (RC   | E)                |             |
| palent   | 1802      | 2 900                              | 1802  | 900        | Request for expediter of a design application   |                     |                   |             |
| 1205 18 2205 9 **Reissue claims in excess of 20 and over original patent   | Other     | fee (specify)                      |       | _          | or a design approach  | •                   | <u> </u>          |             |
| SUBTOTAL (2) (3)   |           |                                    |       |            |   |                     |                   |             |
| **or number previously paid, if greater, Far Raissues, see below   | *Reduc    | *Reduced by Basic Filing Fee Paid. |       |            |   | SUBTOTAL (3) (\$)   |                   |             |
| SUBMITTED BY   |           |                                    |       |            | ***************************************   | Comp                | lete (if applicat | ole)        |
|  |           | Registratio                        |       |            | 12.024  | Telephone           | (714) 557         |             |
| 1/5/   |           | /Attomey/Ager                      | it)   | 1 4        | 12,034  |                     | 09/29             |             |
| Signature / H Dhann  |           |                                    |       |            |   | Date                | 09/29             | 704         |
| lased on PTCVSB/17 (10-03) es modified by Blakely Solokoff, Taylor & Zafman (Wr) 02/10/2004.<br>END TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 |           |                                    |       |            |   |                     |                   |             |

| FEE TRANSMITTAL  |                                    | Complete if Known           |              |              |  |                        |                   |                                       |  |
|--|------------------------------------|-----------------------------|--------------|--------------|--|------------------------|-------------------|---------------------------------------|--|
|  |                                    | Application Number          |              |              |  | 09/822,090             |                   |                                       |  |
| for FY 2004  | 1                                  | Filing Date                 |              |              | Mai  | March 30, 2001         |                   |                                       |  |
| Effective 01/01/2004. Patent fees are subject to annual revision.                                |                                    | First Named Inventor        |              |              | Gue  | Guei-Yuan Lueh         |                   |                                       |  |
| Applicant claims small entity status. See 37 CFR 1.27.   |                                    | Examine                     | r Nam        | e            | Mai  | Mary J. Steelman       |                   |                                       |  |
| TOTAL AMOUNT OF PAYMENT (\$)   |                                    | Art Unit                    |              |              | 212  |                        |                   | · · · · · · · · · · · · · · · · · · · |  |
| TOTAL ABIDDITI OF PATINETY (4)   |                                    | Attorney                    | Docke        | t No.        | 4239   | 0P10798                |                   |                                       |  |
| METHOD OF PAYMENT (check all that apply)   |                                    | FEE CALCULATION (continued) |              |              |  |                        |                   |                                       |  |
|  | 3.                                 |                             |              |              |  |                        |                   |                                       |  |
| Check Credit card Money Other None   |                                    |                             |              |              |  |                        |                   |                                       |  |
| Daposit Account  | Fee                                | ge Entity<br>Fee            | Fee          | fee<br>Fee   | <u>/</u>   |                        |                   |                                       |  |
| Deposit  | Code                               |                             | Code         | (8)          | Fe   | e Description          |                   | Fee Paid                              |  |
| Account Number 02-2666   | 1051                               | 130                         | 2051         | 65           | Surcharge - late filing                          | •                      |                   |                                       |  |
| Deposit  | 1052                               | 50                          | 2052         | 25           | Surcharge - late prov                            | risional filing fee or |                   |                                       |  |
| Account Blakely, Sokoloff, Taylor & Zafman LLP   | 0050                               | 130                         | 400          |              | cover sheet.                                     |                        |                   |                                       |  |
| The Commissioner is authorized to: ( check all that apply)                                       | 2053<br>1812                       |                             | 2053<br>1812 | 130<br>2,520 | Non-English specific<br>For filing a request to  |                        | nation            |                                       |  |
| Charge fee(s) indicated below Credit any overpayments  | 1804                               | 920*                        | 1804         | 920          | Requesting publication                           | -                      |                   |                                       |  |
| Charge any additional fee(s) or underpayment of fees as required under 37                        |                                    |                             |              |              | Examiner action                                  |                        |                   | L1                                    |  |
| CFR §§ 1.16, 1.17, 1.18 and 1.20.  | 1605                               | 1,840*                      | 1805         | 1,840        | Requesting publication  Examiner action          | n of SIR after         |                   |                                       |  |
| Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account | 1251                               | 110                         | 2251         | 55           | Extension for reply wi                           | thin first month       |                   | <u> </u>                              |  |
| FEE CALCULATION  | 1252                               | 1                           | 2252         | 210          | Extension for reply w                            |                        |                   | <u> </u>                              |  |
| 1. BASIC FILING FEE  | 1253                               |                             | 2253         | 475          | Extension for reply wi                           |                        |                   |                                       |  |
| Large Entity Small Entity  | 1254                               |                             | 2254         | 740          | Extension for reply wi                           |                        |                   |                                       |  |
| Fee Fee Fee Fee Fee Description Fee Paid   | 1256                               |                             | 2255         | 1.005        | Extension for reply wi                           | thin fifth month       |                   |                                       |  |
| Code (5)   | 1404                               |                             | 2401         | 165          | Notice of Appeal                                 |                        |                   |                                       |  |
| 1001 770 2001 385 Utility filing fee   | 1402                               | 330                         | 2402         | 165          | Filing a brief in suppo                          | rt of an appeal        | •                 |                                       |  |
| 1002 340 2002 170 Design filing fee  | 1403                               | 290                         | 2403         | 145          | Request for oral hear                            |                        |                   | <u> </u>                              |  |
| 1004 770 2004 385 Reissue filing fee   | 1451                               | 1,510                       | 2451         | 1,810        | Petition to institute a                          | public use proceed     | ling              |                                       |  |
| 1005 160 2005 80 Provisional filing fee  | 1452                               | 110                         | 2452         | 55           | Petition to revive - un                          | avoldable -            |                   | <del></del>                           |  |
| SUBTOTAL (1) (5)   | 1453                               | 1,330                       | 2453         | 665          | Petition to revive - un                          | Intentional            |                   | <u>  </u>                             |  |
| 305/07/22(1)   | 1501                               | 1,330                       | 2501         | 665          | Utility issue fee (or re                         | lssue)                 |                   |                                       |  |
| 2. EXTRA CLAIM FEES Batra Feefrom  | 1502                               | 480                         | 2502         | 240          | Design issue fee                                 | ı                      | * 1               |                                       |  |
| Calms below Fee Paid   | 1503                               | 640                         | 2503         | 320          | Plant issue fee                                  |                        |                   |                                       |  |
| Independent - 39 = X   | 1460                               | 130                         | 2460         | 130          | Petitions to the Comm                            |                        |                   |                                       |  |
| Claims 3 X   | 1807                               | 50                          | 1807         | 50           | Processing fee under                             | 37 CFR 1.17(q)         |                   |                                       |  |
| Multiple Dependent =   | 1800                               |                             | 1806         | 180          | Submission of Inform                             | ation Disclosure St    | mt                |                                       |  |
| Large Entity Small Entity  | 8021                               | 40                          | 8021         | 40           | Recording each pater<br>property (times numb     |                        |                   | ] ]                                   |  |
| Fee Fee Fee Fee <u>Fee Opecylotion</u> Code (5) Code (5)   | 1809                               | 770                         | 1809         | 385          | Filing a submission of                           |                        |                   |                                       |  |
| 1202 18 2202 9 Claims in excess of 20  | tona                               | .,,                         | 1003         | 500          | (37 CFR § 1.129(a))                              |                        |                   |                                       |  |
| 1201 86 2201 43 Independent claims in excess of 3  | 1810                               | 770                         | 2810         | 385          | For each additional in                           |                        |                   |                                       |  |
| 1203 290 2203 145 Multiple Dependent claim, if not paid  | ***                                | }                           | 0004         | 000          | examined (37 CFR §                               | •                      | E۱                | II                                    |  |
| 1204 86 2204 43 *Relssue Independent dalms over original patent                                  | 1801                               | 770                         | 2801         |              | Request for Continue                             |                        | <b>-</b> J        | <u>  </u>                             |  |
|  | 1802                               | 900                         | 1802         | 900          | Request for expedited<br>of a design application | )<br>)                 |                   |                                       |  |
| 1205 18 2205 9 "Reissue claims in excess of 20 and over<br>original patent                       | Owner                              | ee (specify)                |              |              |  |                        | <del></del> · · · |                                       |  |
| SUBTOTAL (2) (\$)  |                                    |                             |              |              |  |                        | <u>-</u>          |                                       |  |
| **or number previously paid, if greater, For Relssues, see below                                 | * Reduced by Basic Filing Fee Petd |                             |              | l            | 4  | (\$)                   |                   |                                       |  |
| SUBMITTED BY   |                                    |                             | _            |              |  | ^                      | lata (if analina  | blo)                                  |  |
|  | ĪŘ                                 | egistratio                  | n No.        | 1 .          |  |                        | lete (if applica  |                                       |  |
| Name (Print/Type) Thinh V. Nguyen  |                                    | utomey/Ager                 |              | 4            | 2,034  | Telephone              | (714) 557         | /-3800                                |  |
| Signature / Wolfmann   |                                    |                             |              |              |  | Date                   | 09/29             | 0/04                                  |  |

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SEP 2 9 2004

Appl. No. 09/822,090. Amdt, Dated 09/29/2004 Reply to Office action of 08/16/2004

## **RESPONSE UNDER 37 CFR § 1.116 EXPEDITED PROCEDURE EXAMINING GROUP 2122**

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application. No. :

09/822,090

Confirmation No. 9064

Applicant

Guei-Yuan Lueh

Filed

03/30/2001

TC/A.U.

2122

Examiner

Mary J. Steelman

Docket No.

042390.P10798

Customer No.

8791

Commissioner for Patents PO Box 1450 Alexandria VA 22313-1450

### **AMENDMENT**

Sir:

In response to the final Office action of August 16, 2004, please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 8 of this paper.

Docket No: 042390.P10798

Page 1 of 12

TVN/tn